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1

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,313	12/04/2003	Fides Carlos	60655.2400	1312

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EXAMINER
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HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/707,313

Applicant(s)

CARLOS ET AL.

Examiner

Lalita M Hamilton

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Summary**

On November 24, 2004, an Office Action was mailed to the Applicants rejecting claims 1-9. On January 27, 2005, the Applicant responded by amending claims 1, 3, 5, 6, and 8 and adding new claims 10-12. The action will be made non-final to further address the limitations of claims 2-5.

#### ***Claim Rejections - 35 USC § 112***

The rejection set forth in the previous Office Action has been withdrawn.

#### ***Claim Rejections - 35 USC § 101***

The rejection set forth in the previous Office Action has been withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayan (US 2004/0088245) in view of Dunlop (US 2002/0103754), as set forth in the previous Office Action.

With regard to the amendment, Narayan discloses the invention substantially as claimed and further discloses bank computers (p.3, 32). Regarding the credit being restricted or not restricted for negotiation to an office maintained by the nominated bank, it is well known and practiced for banks to maintain their own individual policies on how to handle such matters in order to maintain accurate records of each transaction. Narayan is silent with regard to agreeing to program conditions, by said issuing bank with said nominated bank, pursuant to which said nominated bank, based upon said nominated bank's own examination of said document before said document is forwarded to, received, and accepted by said issuing bank, at least one pays, accepts, and negotiates said credit with limited recourse to said issuing bank for discrepancies in said document, wherein said document was examined by said nominated bank computer for conformity to stipulated documents specified in said credit, said document is determined to be in conformity with said stipulated documents, and where provided in said program conditions, said credit being at least one of paid, accepted, and negotiated by said nominated bank with limited recourse to said issuing bank for discrepancies in said document. Dunlop teaches an online documentary letter of credit trade transaction and settlement method and corresponding system and computer program product comprising a bank that may act as the issuing bank, advising bank, negotiation bank, and reimbursing bank (p.3, 104-112) having the capability of performing the function of

Art Unit: 3624

agreeing to program conditions, by said issuing bank with said nominated bank, pursuant to which said nominated bank, based upon said nominated bank's own examination of said document before said document is forwarded to, received, and accepted by said issuing bank, at least one pays, accepts, and negotiates said credit with limited recourse to said issuing bank for discrepancies in said document, wherein said document was examined by said nominated bank computer for conformity to stipulated documents specified in said credit, said document is determined to be in conformity with said stipulated documents, and where provided in said program conditions, said credit being at least one of paid, accepted, and negotiated by said nominated bank with limited recourse to said issuing bank for discrepancies in said document. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the functions of agreeing to program conditions, by said issuing bank with said nominated bank, pursuant to which said nominated bank, based upon said nominated bank's own examination of said document before said document is forwarded to, received, and accepted by said issuing bank, at least one pays, accepts, and negotiates said credit with limited recourse to said issuing bank for discrepancies in said document, wherein said document was examined by said nominated bank computer for conformity to stipulated documents specified in said credit, said document is determined to be in conformity with said stipulated documents, and where provided in said program conditions, said credit being at least one of paid, accepted, and negotiated by said nominated bank with limited recourse to said issuing

Art Unit: 3624


bank for discrepancies in said document, as the Examiner is interpreting as being suggested by Dunlop into the invention disclosed by Narayan, to protect against loss.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH